

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2014 AUG -7 PM 1:19

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TOBY KRISTOPHER PAYNE,

Petitioner,

v.

WILLIAM STEPHENS, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:14-CV-0166

**ORDER OVERRULING OBJECTIONS,**  
**ADOPTING REPORT AND RECOMMENDATION**  
**and DENYING PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner has filed an application for a writ of habeas corpus challenging a state prison disciplinary decision. On July 29, 2014, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the habeas application be denied because petitioner is not eligible for mandatory supervised release. On August 4, 2014, petitioner filed objections to the Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. Petitioner's objections are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the application for a writ of habeas corpus filed by petitioner is DENIED.

IT IS SO ORDERED.

ENTERED this 7<sup>th</sup> day of August 2014.

*Mary Lou Robinson*  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE